

403.747 Testimony to be given under oath -- Consideration of specified areas respondent is to be excluded from.

- (1) Testimony taken at any hearing or other proceeding authorized by KRS 403.715 to 403.785 shall be taken under oath.
- (2)
 - (a) Before imposing a condition described in KRS 403.740(1)(d) or 403.750(1)(d), the court shall afford the petitioner an opportunity to provide the court with a list of specified areas from which the petitioner would like the respondent excluded and shall consider the petitioner's request, if any, in determining the locations the respondent will be ordered to refrain from going to or near. The petitioner shall provide the court with an explanation of the reasons for and the benefits of ordering the respondent to be excluded from each location.
 - (b) Before imposing a condition described in KRS 403.750(1)(d), a court shall afford the respondent an opportunity to provide the court with any objections or concerns relating to areas which the petitioner has requested that the respondent be ordered to refrain from going to or near. The respondent shall provide the court with an explanation of the reasons for or the benefits of denying the petitioner's request that the respondent be excluded from each location. If the respondent or counsel for the respondent fails to appear for the hearing, the respondent is deemed to waive, until and unless another hearing is set, any objection to the petitioner's request.
- (3) If the court imposes a condition described in KRS 403.740(1)(d) or 403.750(1)(d), the court shall specifically describe the locations that the respondent has been ordered to refrain from going to or near and the minimum distances, if any, that the respondent shall maintain from those locations. The court may consider whether the respondent may pass a prohibited location when going to or from any other location and the times of and necessity for modifying any order to accommodate this travel, provided that the respondent does not interrupt his or her travel to harass, harm, or attempt to harm the petitioner.
- (4) The court shall not order the respondent to refrain from going to or near a location where there is not a specific, demonstrable danger to the petitioner, minor child of the petitioner, family member, or member of an unmarried couple protected in the order.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 170, sec. 6, effective July 15, 2010.